

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Oluwatosin Aboyade-Cole	Team: Squad #8	CCRB Case #: 202003985	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 06/06/2020 7:32 PM	Location of Incident: Barclay's Center, Atlantic Avenue. Candlelit vigil	Precinct: 78	18 Mo. SOL 12/6/2021	EO SOL 5/4/2022	
Date/Time CV Reported Sat, 06/06/2020 8:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 06/06/2020 8:59 PM		
Complainant/Victim	Type	Home Address			
Subject Officer(s)	Shield	TaxID	Command		
1. An officer					
Officer(s)	Allegation	Investigator Recommendation			
A. An officer	Abuse: An officer refused to provide her shield number to § 87(2)(b)				

Case Summary

On June 6, 2020, § 87(2)(b) filed the following complaint with the CCRB online.

On June 6, 2020, § 87(2)(b) was at a candlelight vigil at the Barclay's Center in Brooklyn when she observed an officer with a mourning band covering her shield. § 87(2)(b) stopped the officer and asked her to remove the band to uncover her shield number. The officer allegedly did not respond, turned and walked away (**Allegation A: Abuse of Authority**, § 87(2)(g)).

The investigation did not obtain any BWC footage of the incident. As the officer was not identified, the reason for the lack of BWC footage remains unclear.

Pleading Language for all allegations to be closed as officer unidentified

Abuse of Authority: An officer refused to provide her shield number to § 87(2)(b)

Known facts and general descriptions

§ 87(2)(b) provided a sworn statement over the phone on June 12, 2020 (Board Review 15).

In her sworn statement, § 87(2)(b) stated that on June 6, 2020, at approximately 7:00 p.m., she went to the Barclay's Center to attend a candlelight vigil honoring Breonna Taylor. § 87(2)(b) stood at the Southwest corner of the square near the entrance of the center; there were hundreds of civilians and about 40-50 officers present. At the center, § 87(2)(b) observed a line of officers walking along the edge of the crowd on Flatbush Avenue. § 87(2)(b) observed an officer, henceforth referred to as PO1, amongst the line of officers and saw that PO1's shield was covered with a mourning band. She described PO1 as a dark-skinned female who stood approximately 5'6-5'8, with an average build, dark hair, and was dressed in uniform (Board Review 12). As PO1 walked by § 87(2)(b) § 87(2)(b) asked her if she could ask a question. PO1 stopped walking and looked at § 87(2)(b) § 87(2)(b) asked PO1 if she could uncover her shield number. PO1 turned away and § 87(2)(b) asked her for her shield number again. PO1 ignored § 87(2)(b) and did not give any indication that she heard § 87(2)(b)'s question. Later on that night, § 87(2)(b) briefly spoke with another officer, whom she identified as SDS Sean Ohara of the Detective Bureau Grand Larceny Division, however DTS Ohara did not witness the interaction between § 87(2)(b) and PO1.

BWC

On June 10, 2020, body worn camera footage was requested and queried based on the incident date, time, and location, and the following commands believed to have been present: 78, 209, 456, 457, 458, 139, 425, 554, and 740. Because SDS Ohara was the only officer § 87(2)(b) identified from the vigil, the request was also queried based on his tax ID number. On August 25, 2020, the investigation received negative BWC results from the Legal Bureau (Board Review 04).

NYPD Documents Reviewed

TARU footage was ordered from TARU and yielded negative results (Board Review 4,10). On June 22, 2020, the Roll Call, Detailed Memoranda, and Sector Map were ordered from both the 78th Precinct and 209 DB GLD. Between June 22, 2020 and the date of this report, numerous e-mails were sent to IAB and DAO following up on these requests (Board Review 2-3,6-9). As of the date of this report, none of the documents have been received. On June 23, 2020, the Detailed Roster was ordered from 165 PBBN and yielded negative results (Board Review 05).

Concurrent Investigations

CCRB Case # 202003985

There are no concurrent investigations regarding this complaint.

Ranking Officers

The investigation did not receive any documents identifying higher ranking officials on the scene of the incident.

Officers Interviewed

There is no documentation or video footage of this incident linking any officers present at the Barclay's Center on June 6, 2020, to § 87(2)(b) § 87(2)(g)

Allegation Recitation and Disposition

Given the nature of the allegation; i.e. a brief interaction where PO1 allegedly refused to provide her shield number, no documentation of this specific interaction would have been generated. Furthermore, the documents the investigation requested to help potentially identify PO1 were returned with negative results. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint that § 87(2)(b) has been party to (Board Review 13).

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On September 25, 2020, a Notice of Claim request for this incident was submitted to the City Comptroller's office and is currently pending (Board Review 14).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no criminal conviction history in New York City.

Squad No.: 8

Investigator:	<u>Oluwatosin A. Cole</u>	<u>Inv. Cole</u>	<u>9.28.20</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Ethan De Angelo</u>	<u>IM Ethan De Angelo</u>	<u>9/30/2020</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date